

REFERENCE TITLE: channelization districts; eminent domain

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1552

Introduced by
Senator Flake

AN ACT

AMENDING SECTION 48-6006, ARIZONA REVISED STATUTES; RELATING TO RECREATIONAL CORRIDOR CHANNELIZATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 48-6006, Arizona Revised Statutes, is amended to
3 read:

4 48-6006. Powers and duties of recreational corridor
5 channelization district

6 A. A recreational corridor channelization district, acting through its
7 board of directors, may:

8 1. Acquire in the name of the district any real or personal property
9 or interest in property by gift, purchase, **EMINENT DOMAIN** or otherwise and
10 own, control, manage or dispose of such property or interest. Private monies
11 or contributions received by a district for the purpose of defraying expenses
12 of work done under its direction may be spent by the district in compliance
13 with the terms and conditions under which the monies are received if the
14 terms and conditions meet the approval of the board of directors and are
15 within the scope of the statutory powers and duties of the district.

16 2. Construct, operate and maintain flood conveyance facilities and
17 recreational facilities in a floodway or floodplain both during and after the
18 operation of aggregate mining activities and mining reclamation. The design
19 and construction of the flood conveyance facilities shall be conducted in
20 cooperation with all operators of a planned or permitted underground storage
21 and recovery project pursuant to section 45-811.01 that may be affected by
22 the proposed district as determined by the operator of the project.

23 3. Sell, lease or otherwise dispose of any property of the district or
24 interest in the property if the property is no longer required for the
25 purposes of the district or if use of it may be permitted without interfering
26 with the use to which it is put by the district.

27 4. Sell or otherwise dispose of any by-product resulting from the
28 maintenance of recreational facilities within the district.

29 5. Contract with any governmental entity, association, corporation or
30 individual to finance, construct, maintain and operate recreational
31 facilities, channels, levies and appurtenant flood control or drainage
32 features in a floodway or floodplain within the district.

33 6. Pay expenses incidental to the exercise of its powers.

34 7. Employ staff to conduct operations and perform maintenance of
35 district property.

36 8. Enter into intergovernmental agreements with other government
37 entities to provide for the financing, establishment, maintenance, operation
38 and other activities of the district.

39 9. Finance its planning and the construction of its improvements
40 through the use of a special assessment on the properties contained within
41 the boundaries of the district's preliminary phase. A special assessment
42 shall not be imposed on lands located outside of the district's preliminary
43 legal boundary or outside of the floodplain delineation.

44 B. A recreational corridor channelization district, acting through its
45 board of directors, shall:

- 1 1. Comply with all applicable federal, state and local laws and
2 regulations, including those regarding floodplain management and land use.
- 3 2. Follow the watercourse master plan in implementing any recreational
4 facilities or other development.
- 5 3. Assure hydraulic conveyance onto, across and from the district
6 property and in any recreational facility or other development.
- 7 4. Operate in a manner consistent with the activities of planned or
8 permitted underground water storage facilities in the district. Any
9 construction project, operation effort or other activity conducted or
10 authorized by a recreational corridor channelization district shall not
11 reduce the effectiveness, increase the cost or in any way impede the
12 operations of any underground storage and recovery project that is planned or
13 permitted pursuant to section 45-811.01. A recreational corridor
14 channelization district and any of its contractors, permittees or licensees
15 are deemed to have waived any claim for damages or other relief against an
16 underground storage and recovery project permit holder that is operating
17 under the terms of its permit if the permit was issued before the formation
18 of the district.